

Smith Calls on Power Board to Hold Up Permits

Wires Newton to Delay Action on Issuing Licenses for Private Development of Energy Until Jan. 1

Cites Voters' Decision

Would Reserve Niagara Falls Grant to State; Acts as Private Citizen, He Says

Governor-elect Smith, who is to depart today for the South for a short vacation, telegraphed last night to Attorney General Charles D. Newton, as a member of the State Water Power Commission, asking the commission to refrain from granting a license to any concern for the development of any of the water power resources of the state until after he takes office.

He was impelled to take this action by information that the commission was to meet to-day in Albany and might grant a license to a corporation for the development of power from the Niagara River below the falls. Mr. Smith is pledged to state development of water power.

The state commission consists of Speaker H. Edmund Macdonald, of the Assembly; Attorney General Newton, Frank M. Williams, State Engineer and Surveyor; Senator Lueger, an ex-speaker pro tem of the Senate, and Alexander Macdonald, of St. Regis Falls. All of the members with the exception of Mr. Macdonald and Mr. Newton will go out of office January 1. The Republican State Convention platform lays down a policy directly in conflict with that advocated by Governor-elect Smith. Governor Miller advocates the licensing system under state supervision. Governor-elect Smith holds that the state itself should own, develop and operate water power resources. His telegram to Attorney General Newton follows:

Text of Wire to Newton
"It has been called to my attention that the State Water Power Commission is to meet in Albany to-morrow morning at 10 o'clock. I have been further informed by a newspaper article that it is the intention of the commission to act upon some applications for licenses to develop electrical energy by private corporations. The paper that I read says there is a possibility that a license may be granted to some company to develop energy from the waters of Niagara below the Falls.

"Before and during the campaign I took a decided position with regard to the development of electrical energy from water power owned by the state. I have held that it should not be given to private companies for private development, but should, on the other hand, be developed by the state itself under state ownership and state control for the benefit of all the people of the state.

"I would therefore ask you, in view of the decision of the people at the polls following the campaign in which my subject was a distinct issue, not to grant any license or permit to private corporations for development of electrical energy from water power resources that belong to the state, and permit that subject to be dealt with by the incoming administration in accordance with the explicit promises made during the course of the campaign.

When it was suggested to Mr. Smith that he might be doing an unprecedented thing in attempting to dictate a Democratic policy to a Republican commission over which he has no jurisdiction, he said:

"I am taking this step as a citizen, believing that I am acting in the public interest. That power grant below Niagara Falls, I am informed, is worth millions of dollars, and I think it should be developed by the state and owned by the state. I think that outgoing officials should not take it upon themselves to issue a grant of this character, as a license such as the commission has power to grant may run for fifty years. Three members of the commission are going out of office the first of the year."

Asked if the Smith administration could not revoke the permit if the State Commission should see fit to

grant one, the Governor-elect replied: "I think it could, as it did something of that kind with the permit of the Long Sault Development Company in 1913. After that company's permit was revoked it brought an action in the Court of Claims to recover on account of expenditures under its permit, and recovered several thousands of dollars. I do not want this proposed grant to reach that stage. I would be glad if the commission would defer action upon all applications for permits until the new administration assumes office."

Fire Record
A. M. LOSS
12:30—1437 Boston road, the Bronx. Robinson Golden, 1000, Trifling
12:50—In front of 185 Park Row; auto. Reiner & Russo, 1000, Unknown
1:25—126 Convent av.; Jacob Tobias, 1000, Unknown
2:30—549 W. 53d st.; Hattie Williams, 1000, Unknown
2:00—188th st. and Tiebout av.; the Bronx; auto. Department of Street Cleaning, 1000, Trifling
P. M.
12:15—407 E. 20th st.; Frank Millett, 1000, Unknown
12:45—45th st. and East River; scow. O'Brien Bros., 1000, Unknown
12:50—Church and Fulton sts.; B. R. T. subway train, 1000, None

CANTILEVER SHOE SHOPS
14 W. 40th St. (Opp. Library), N. Y.
164 East Fordham Road, N. Y.
114 Fulton St. (over Schraff's) Bklyn.
397 Broad St. (2nd floor), Newark

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The American Legion

News: Local, State, National

Commander Owsley Will Appeal to Conscience of Americans to Support Bonus; Urges Home Feature

Bronx County Elects Albert L. Ward as Head; Many Posts Holding Elections

The American Legion will appeal to the conscience of the American people instead of demanding their support in obtaining justice for ex-service men. Alvin Owsley, national commander of the Legion, declared in a recent address before the Service Club, composed of Indianapolis World War veterans.

The national commander said that opponents of adjusted compensation had endeavored to create the impression that the cash feature is the paramount issue and that the general public is not sufficiently informed in regard to the other beneficial means of compensation.

"If an ex-service man can find a home, find a good American girl and have children there will be an end to Bolshevism in this country," Mr. Owsley said in discussing the home-purchase feature of compensation.

The land settlement provision would mean much to the United States, the Legion head asserted, inasmuch as it means that thousands of acres of arid and swamp land would be reclaimed and made to produce food for the country.

Bronx County Election
Following the renewal of Past State Commander William F. Deegan to accept his former post as chairman of the Bronx County Legion, Albert L. Ward, past commander of Walter Heckman Post, has been elected to head the Bronx Legionnaires.

The other officers elected are: Vice-commander, Albert H. Henderson; adjutant, Walter F. Daly; treasurer, Wil-

liam A. Smith; members of executive committee, William F. Deegan, Timothy F. Driscoll, Ralph Jones, Dr. William Lenetska, Frank C. Bryan, Walter T. Hamilton and Andrew J. Kane.

Callan Will Speak
State Commander Albert S. Callan will speak to-morrow before the Suffolk County Committee at Westhampton. In the evening he will attend a smoker of Patchogue Post at Patchogue, L. I.

Commander Callan will speak on Saturday night at meetings of posts in Riverhead and Bridgehampton, and will meet the Suffolk County Auxiliary at Riverhead at the same time. On December 1 he will address the Legion post at Saugerties, Ulster County.

Murray Hill Post Auxiliary will hold its regular meeting this evening at the Kips Bay Building, 825 Second Avenue. There will be a reading of the proposition, and all by-laws, and nominations of officers.

Boys' Post Election To-night
The annual election of officers for A. R. Boys' Post No. 251, American Legion, will be held this evening. As the clubrooms are now being altered to accommodate more members, the election will be held at the residence of Mr. H. Plate, 781 Beck Street.

The nominees are: Commander, H. Plate; J. Mangano and R. Chambers; vice-commander, S. Meyer and C. Zierie; adjutant, S. H. B. Gillerland and J. Fischer; treasurer, R. Wood and J. Kelly; executive committee, E. Einhorn, R. Hill, S. Meyer, V. F. Smith, W. F. Tait, F. Tunney and H. Wright; delegate to county committee, V. F. Smith and W. F. Tait.

Albert Ward, Bronx County Commander, will attend and address the United Service Post will have a get-together dinner next Saturday night at Kips Bay, Southern Boulevard and Fordham Road. Commander Daniel I. Curtin announces this as the first event of the new Legion year.

Guinness Stout Brewers Fight Dry Ban in Court
Seek Writ to Permit Sale of Beverage for Medicinal Use by Druggists

The sections of the supplementary prohibition act of November 23, 1921, which forbid the sale of Guinness stout upon prescription, were attacked as unconstitutional yesterday in an injunction application filed in Federal Court. The plaintiff is Edward and John Burke, Ltd., a New York corporation subsidiary to a British concern of the same name by which the beverage is brewed and bottled. The papers filed yesterday allege that the sections in question are contrary to the Fifth Amendment to the constitution, which forbids the confiscation of property without due process of law.

This is the second equity action started within a week attacking portions of the prohibition statute dealing with the sale of liquor upon prescription. The first was instituted

Saturday by Dr. Samuel W. Lambert as president of the Association for the Protection of Constitutional Rights and covered the entire question of government regulation over the action of physicians as specified in the prohibition laws. United States Attorney Hayward, Prohibition Director Yellowley, and Internal Revenue Commissioner Blair are made defendants in both actions.

Yesterday's complaint states that Guinness stout was used in this country largely and predominantly for medicinal purposes during the seventy years its sale was permitted and asks that the authorities be enjoined from forbidding its sale through druggists.

Education Clash Impending, Says Catholic Director

Dr. Ryan Warns of "Titanic Struggle" Between Philistines, Nationalistic and Traditional American

WASHINGTON, Nov. 22.—Warning that a "titanic struggle is impending" as regards the relationship of democracy and education was given to-night by the Rev. James Ryan, director of the Department of Education of the National Catholic Welfare Council, in an address before the second annual convention of the National Council of Catholic Women. The speaker asserted that the "controversy" had passed from the stage of academic discussion and had entered the "broad area of practical politics and united action."

Two philosophies of education are contending for mastery in the United States, according to Dr. Ryan, who described them, one as the nationalistic point of view and the other as "the traditional American attitude."

"I do not exaggerate when I say," Mr. Ryan continued, "that we are face to face with one of the most momentous crises in the history of our country, and may I add, too, of our (Catholic) Church, that we have been called upon to participate in. Upon its outcome depends to a great degree the orientation of the United States, the perpetuity of our democratic institutions and the continued existence of our Church."

The convention also heard the subject of education discussed by the Rev. William J. Kerby, a faculty member of the national Catholic service school, who spoke on the subject of opportunities, as well as duties, presented by the school. The annual report of the service school was rendered by Dr. Anne M. Nicholson, of San Francisco. The day meeting of the convention was occupied in receiving reports from the various committees and diocesan representatives and a visit to the White House to meet the President.

Islands Legislature Petitions For Philippine Freedom

MANILA, Nov. 22 (By The Associated Press).—President Harding and Congress will be petitioned to allow the Philippine Legislature to call a constitutional convention to frame a future independent republic in the Philippines. This is the result of the adoption in the House to-day of a concurrent resolution passed by the Senate three weeks ago.

All Building in Greater N. Y. Facing Tie-Up

Employers' Lockout Threat, Scheduled for Monday, May Halt Construction Valued at \$100,000,000

No Progress for Peace

Contractors Determined to Deal With Independent, Not Union, Bricklayers

Building construction to the value of between \$75,000,000 and \$100,000,000 in greater New York, involving virtually all projects now under way, will be completely tied up on Monday in the event the building employers' threatened lock-out goes into effect, it was declared yesterday by Christian G. Norman, chairman of the board of governors of the Building Trades Employers' Association.

Although it was said in some quarters that the differences between the Mason Builders' Association, of the Building Trades Employers' Association, and the Bricklayers' Exchange Board, of the Bricklayers' Union, might be patched up before Monday, no moves along that line were made yesterday, and in some quarters the feeling between the two sides was described as bitterer than ever.

Mr. Norman, speaking for the employers, emphasized their stand that the contractors wish to continue to deal with the Independent Bricklayers' helpers and Laborers' Union, and that they will under no consideration yield to the ultimatum of the Bricklayers' Exchange that they deal solely with the International Hod Carriers, Building and Common Labor Union of America.

The differences between the two unions is an echo of the old Brindell fight and has to do with attempts by

the American Federation of Labor to reorganize the Building Trades Council. The federation revoked the council's charter several months ago. The "International" is the A. F. of L. union.

In delivering its ultimatum, the Bricklayers' Exchange called eight strikes on important construction jobs, among them the Federal Reserve Bank. Reports that guards had been stationed there yesterday to permit "independents" to work were emphatically denied.

The "Independent" has the greater membership, according to Mr. Norman, who placed the number at 12,000, as against the rival union's 8,000. However, most of the 125,000 building trades workers of all classes would be thrown out of employment by the lock-out, it was pointed out, since cessation of bricklaying would automatically bring about this result.

Majestic Resumes Service

Liner Returns From Boston After Repairs

The White Star liner Majestic, the world's largest vessel, after having her hull scraped and repainted and her four propellers replaced by new ones calculated to increase her speed, arrived here yesterday from Boston.

ARMY - NAVY Football Game

Franklin Field, Philadelphia
SATURDAY, NOVEMBER 25
SPECIAL TRAINS
Direct to Franklin Field

Lv. New York, Penn. Station, Hudson Terminal, Newark Park Place, 10:30 A.M.

Returning Special Trains, parlor cars, dining cars, coaches leave South Street (Franklin Field) three minutes after game.

Regular trains leave New York for North Philadelphia, West Philadelphia, and Broad Street Station every hour, at the hour.

Pennsylvania Railroad
The Route of the Broadway Limited

where she was in the naval graving dock for several days. She will sail for Southampton on Saturday on her regular schedule.

The entire crew of the ship with

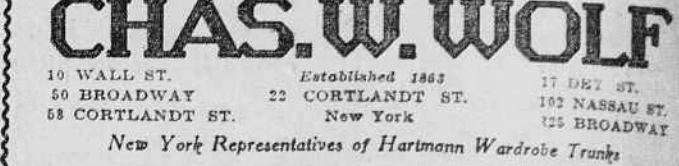
the exception of a few who were required to maintain watches, was given a half day's leave yesterday. While she was in Boston all the officers and crew remained aboard the ship.



CHAS. W. WOLF LUGGAGE

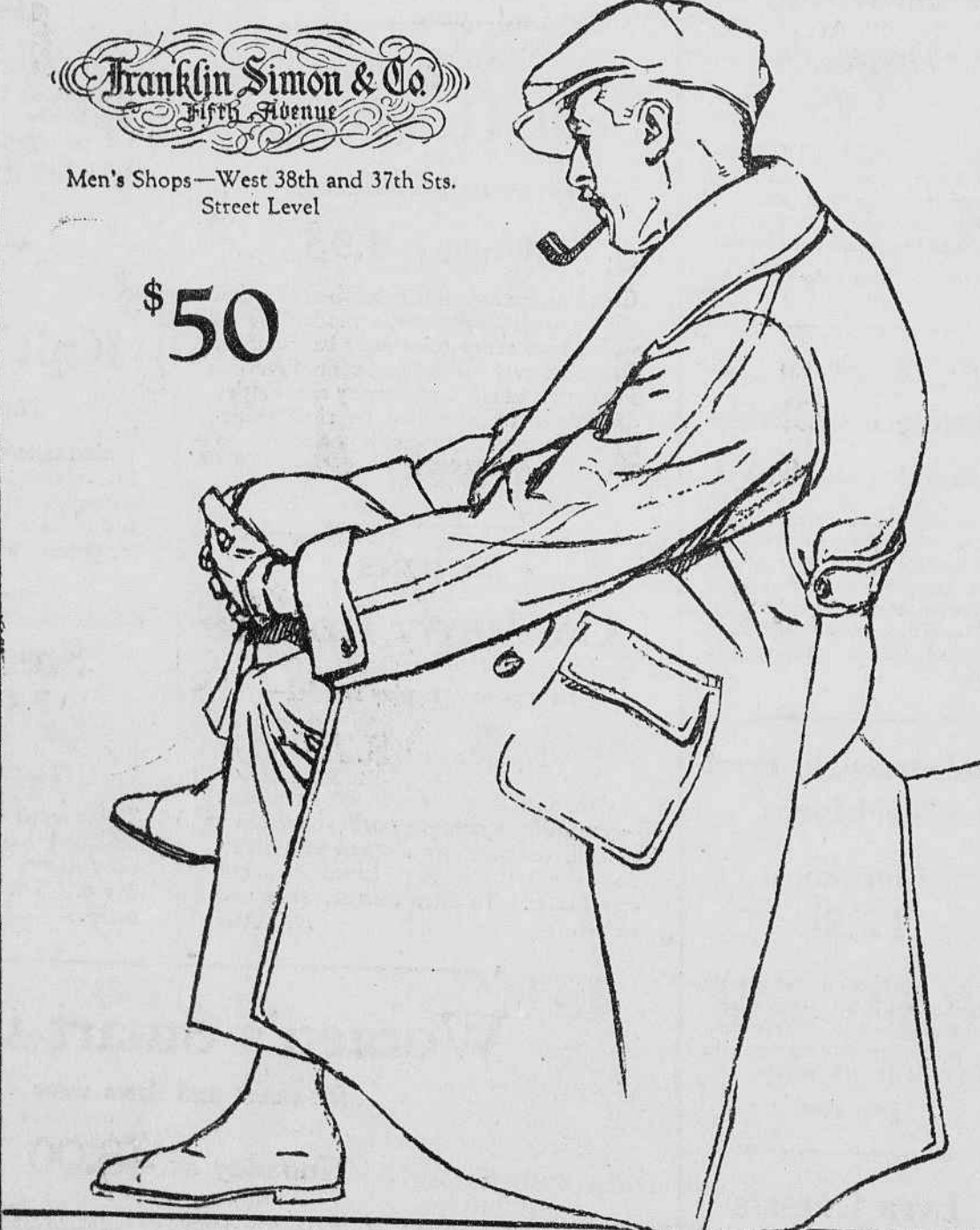
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Men's Shops—West 38th and 37th Sts. Street Level

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NOTCH collar or the new London shawl collar model, hand-tailored in an unfinished custom worsted. And remember, on account of the fabric and cut of a dinner coat the need of hand workmanship is imperative.

DRESS SUITS, same Specifications, \$75
Silk or Pique Evening Vests, \$8 to \$15

Fur-Lined Coats \$200 to \$390

SUPERBLY hand-tailored shells, in O'Briens' Fleeces or Shetlands, lined with full fine first quality selected Muskrat skins, full skin sleeves and collared with Otter or Beaver fur, ideal for all Winter uses between football and snowfall.

"Fine Linen" and Accessories for Evening Wear

FULL DRESS OR DINNER JACKET SHIRTS with laundered bosoms of stripe pique . . . \$3.00 to \$4.50

DINNER JACKET SHIRTS with soft or laundered side or box pleats . . . \$2.50 to \$6.00

LOW DRESS SHOES Seamless; in patent or dull leather; flexible soles . . . \$8.00

DRESS TIES . . . \$1.00

SILK DRESS SOCKS . . . \$2.00

DRESS STUD SETS . . . \$5.00 to \$16.50

DINNER TIES . . . \$1.00 and \$1.50

WHITE KID GLOVES . . . \$3.00

CARMOOR-LONDON LINEN COLLARS . . . 50c

CARMOOR-LONDON SILK MUFFLERS . . . \$12.50 to \$18.50

CARMOOR-LONDON SILK HATS \$14.00